

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

CHRISTOPHER RUSANOWSKY, §  
§  
*Plaintiff*, §  
§  
v. § Civil Action No. 3:22-CV-1132  
§  
THE CITY OF DALLAS, SGT. ROGER §  
A. RUDOLF, Individually and in §  
his official capacity as a Dallas Police §  
Department Police Officer, §  
§  
*Defendants*. §

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**DEFENDANT SGT. ROGER A. RUDLOFF'S  
MOTION  
FOR SUMMARY JUDGMENT BASED ON QUALIFIED IMMUNITY**

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TO THE HONORABLE COURT:

Defendant Sgt. Roger A. Rudloff ("Sgt. Rudloff") pursuant to Rule 56 of Civil Procedure and Local Civil Rule LR 56.3, file this motion for summary judgment based upon qualified immunity as to all claims alleged against him by Plaintiff. Sgt. Rudloff separately files his supporting brief and appendix in accordance with Local Civil Rules LR 56.5 and LR 56.6.

**I. SUMMARY OF CLAIMS AND DEFENSES**

Plaintiff asserts three claims against Sgt. Rudloff, pursuant to 42 U.S.C. § 1983, for alleged violations of his constitutional rights.

In this motion, Sgt. Rudloff seeks summary judgment on all claims against him. Sgt. Rudloff asserts the affirmative defense of qualified immunity in response to the 42 U.S.C. § 1983 claims against him. Per Local Civil Rule LR 56.3 ("Content of Motion"), the elements of each

claim or defense as to which he seeks summary judgment are set forth in his supporting brief. ECF No. 49.

#### **IV. RELEVANT PROCEDURAL HISTORY**

This case arises from Plaintiff's arrest on May 30, 2022, On February May 23, 2022, Plaintiff filed his Original Complaint. ECF No. 1. This Court set deadlines for any summary judgment motions to be filed 30 days after Plaintiff received discovery responses from Sgt. Rudloff or from the date this Court denied discovery. ECF No. 34. On April 6, 2023, both Plaintiff and Sgt. Rudloff filed notices with the Court that they had complied with the Court's discovery instructions. ECF Nos. 42-43. Thus, both Plaintiff and Sgt. Rudloff's summary judgment motions then became due on May 8, 2023.

This case is currently administratively closed. ECF No. 23.

#### **V. SUMMARY OF UNDISPUTED FACTS**

Pursuant to Local Rule LR 56.3(b), Sgt. Rudloff's summary of undisputed facts is included in his supporting brief ECF No. 49.

#### **VI. PRAYER FOR RELIEF**

WHEREFORE, Defendant Sgt. Rudloff respectfully requests that the Court grant his motion for summary judgment based on qualified immunity; dismiss with prejudice all of Plaintiff's claims against him; enter judgment in his favor on all claims; and grant him all other relief that is consistent with this motion.

Respectfully submitted,

CITY ATTORNEY OF THE CITY OF DALLAS

Tammy L. Palomino  
Interim City Attorney

*/s/ J. Cheves Ligon*

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 8, 2023, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the CM/ECF system which will send notification to case participants registered for electronic notice. I further certify that to the extent applicable I have served all case participants not registered for electronic notice by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

*/s/ J. Cheves Ligon*

Senior Assistant City Attorney